

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO.
)	1:22CR72
)	
vs.)	
)	
)	
DARRIS GIBSON MOODY,)	
Defendant.)	
_____)	

**GOVERNMENT’S RESPONSE IN OPPOSITION TO
DEFENDANT’S VARIOUS MOTIONS**

The Defendant, although represented by counsel, has filed seven *pro se* motions in recent days (although three of these motions appear to be duplicates of earlier filings). Doc. ## 28, 29, 30, 31, 32, 33, 35 (hereinafter “the motions” or “the Defendant’s motions”). The Court should summarily deny these motions, either by operation of Local Criminal Rule 47.1 or because the motions are frivolous on their face.

Local Criminal Rule 47.1

The Defendant’s *pro se* motions should be summarily denied because she is still represented by counsel. Local Criminal Rule 47.1(g) states that the Court ordinarily will not entertain a *pro se* motion from

a defendant who is represented by counsel (except for challenges to the effective assistance of counsel), although the Court may, in its discretion, consider a *pro se* motion as it deems appropriate. The Government therefore requests that the Court summarily deny the motions pursuant to LCrR 47.1(g).

The Defendant's Motions are Frivolous

Alternatively, the Defendant's motions should be denied because they are frivolous on their face. The motions espouse various flavors of "sovereign citizen" ideology. "The sovereign citizen movement is a loose grouping of litigants, commentators, and tax protesters who often take the position that they are not subject to state or federal statutes and proceedings." *United States v. Weast*, 811 F.3d 742, 746 n.5 (5th Cir. 2016). "It has been repeatedly held that '[s]overeign-citizen legal arguments ... are indisputably meritless.'" *Barthelemy-Bay v. Louisiana*, 2019 WL 5430594 *2 (E.D. Louisiana, Oct. 1, 2019) (collecting cases). The Court has the inherent authority to deny frivolous motions *sua sponte*. See, e.g., *In re Solis El*, 2022 WL 3142618 *1 (W.D. N. Carolina, Aug. 5, 2022) (Reidinger, J.) (dismissing a sovereign-styled "Declaration of Nationality" as frivolous). The

Defendant's motions lack any legitimate basis in fact or law and therefore should be denied as frivolous without further briefing¹ or hearing.

Conclusion

For the reasons set forth herein, the Government requests that the Court deny the Defendant's motions without additional briefing or hearings.

RESPECTFULLY SUBMITTED, this the 15th day of November, 2022.

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¹ "Unless otherwise directed by the Court, the Government is not required to respond to *pro se* motions filed by a criminal defendant who is still represented by counsel and who has not formally waived his or her right to counsel...." LCrR 47.1(d). The Government does not intend to respond to future *pro se* motions unless directed to do so by the Court.